REMARKS

On March 4, 2003, a Notice of Non-Compliance was issued in connection with the above-referenced matter. In the Notice, the Examiner indicated that the previously submitted amendments to the specification were not in proper form. Accordingly, Applicants hereby resubmit the previously submitted amendments to the specification.

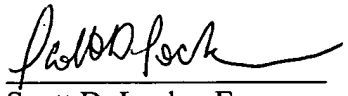
Applicants note that the Examiner has requested that both clean and marked up copies of the amended paragraphs be submitted. Accordingly, above are clean copies of those paragraphs and accompanying this submission are marked-up copies of the same paragraphs.

In addition to the previously submitted amendments to the specification, Applicants have by this amendment corrected typographical errors in lines 6 and 7 on page 23 that were not previously corrected.

No new matter has been added.

Applicants submit that this response is timely and that no fee is due. However, if a fee is deemed necessary, the Patent Office is authorized to charge Deposit Account 11-0171 for such sum.

Respectfully submitted,



Scott D. Locke, Esq.
Registration No.: 44,877
Attorney for Applicants

Kalow & Springut LLP
(212) 813-1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boyce-Jacino *et al.* Examiner: A. Marschel

Serial No.: 09/097,791 Art Unit: 1631

Filed: June 16, 1998

Title: *"Polymerase Signaling Assay"*

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

March 18, 2003

Commissioner for Patents
Washington, D.C. 20231

MARKED UP SPECIFICATION PARAGRAPHS PURSUANT TO 37 CFR § 1.121

Sir:

Pursuant to 37 C.F.R. § 1.121(b)(1)(iii), a marked-up copy of the amended specification paragraphs follows:

Certificate of Mailing Under 37 CFR § 1.8

I hereby declare that on the date provided below, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

3/18/03
March 18, 2003

K Padilla
Kim Padilla

AMENDMENTS

IN THE SPECIFICATION

Please amend the paragraph that begins on page 15, line 19 as follows:

The sequence reagent additionally comprises a spacer region (FIG. 1; [SR] **Spacer**). Preferably, the spacer region is at least 10 nm in length, more preferably 10-100 nm in length. However, the spacer region can also be greater than 100 nm length. Spacer regions suitable for use in the present invention include, but are not limited to, DNA or RNA sequence, PNA sequence, polyethylene glycol groups, 5-nitroindole groups, or other chemical spacer arms. The spacer region can also consist of analogues of DNA, RNA, and PNA. In such embodiments, the nucleic acid sequences of the spacer region may comprise unmodified or modified nucleotide bases, such as the modified bases described above for the capture moiety. Preferably, the spacer region consists of a random sequence of bases. However, the spacer region can also consist of a pseudo-random or non-random sequence of bases.

Please amend the paragraph that begins on page 23, line 4 as follows:

The template nucleic acid molecule may additionally be labeled with a detectable label, including the detectable [lables discribed] **labels described** in Section 5.3.4, below. Preferably, the detectable [lable] **label** used to label the template nucleic acid molecule will be different from the label used to label the nucleotide or nucleotide analog for the primer extension reaction, so that the two moieties, *i.e.*, the template molecule and the extended primer, can be readily distinguished from one another. Likewise, the detectable label used to label the template should preferably be different and distinct from any label used to label the primer sequence or the sequence reagent.

Please amend the paragraph that begins on page 23, line 16 as follows:

Preferably, the template nucleic acid molecule analyzed by the methods of this invention is a single stranded nucleic acid molecule, *i.e.,* a single stranded template nucleic acid molecule or single stranded template. Accordingly, in embodiments wherein the initially provided is not single stranded, *e.g.,* wherein a double stranded or triple stranded template nucleic acid molecule is initially provided, it is [preferableto] **preferable to** first treat the sample containing the template nucleic acid molecule so that a single stranded template

nucleic acid molecule is thereby provided. However, the presence of an additional strand or strands does not necessarily have an adverse affect upon the methods of the invention. Accordingly, in other embodiments the template nucleic acid molecule may comprise nonsingle-stranded, *e.g.,* double- or triple-stranded, nucleic acid molecules.

REMARKS

For the reasons set forth in the accompanying Response to Notice of Non-Compliance and the previously submitted response to the Non-Final Office Action mailed on July 16, 2002, Applicants request entry of the proposed amendments.

Respectfully submitted,

Scott D. Locke, Esq.
Registration No.: 44,877
Attorney for Applicants

Telephone No. (212) 813-1600